

underscored material = new
[bracketed material] = delete

1 noted the benefits of staggered terms, specifically that:

2 "Staggered terms preserve continuity in the
3 public entity by preventing the theoretical
4 possibility of all appointees being replaced at
5 once. This continuity ensures that there will be no
6 erratic changes of the entity's policies", and

7 "Though individual members may be pressured,
8 this staggering tends to insulate the public entity
9 as a whole from being manipulated for political
10 reasons", and

11 "Staggered terms of office also can promote
12 creative tension between new appointees and
13 appointees of a prior administration", and

14 "Such a scheme promotes institutional memory by
15 assuring that older appointees have the opportunity
16 to pass on important knowledge and experience to
17 newer appointees"; and

18 WHEREAS, the governor of New Mexico has required nominees
19 to the boards of regents, as conditions of their nominations,
20 to submit undated letters of resignation that may be summarily
21 made effective at any time by the governor; and

22 WHEREAS, such a practice nullifies the many benefits and
23 protections of staggered terms as articulated by the supreme
24 court of New Mexico in *Denish v. Johnson*; and

25 WHEREAS, the constitution of New Mexico provides that the

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1 members of the boards of regents "shall not be removed except
2 for incompetence, neglect of duty or malfeasance in office" and
3 only after a hearing governed by proceedings promulgated by the
4 supreme court of New Mexico; and

5 WHEREAS, members of this senate on January 21, 2003 swore
6 an oath to uphold the constitution of New Mexico; and

7 WHEREAS, the constitution of New Mexico provides that each
8 house of the legislature may determine its rules of procedure;

9 NOW, THEREFORE, BE IT RESOLVED BY SENATE OF THE STATE OF
10 NEW MEXICO that no nomination to any of the boards of regents
11 of institutions of higher education be considered further by
12 this senate until such time as the governor notifies the senate
13 that he has nullified the letters of resignation that he has
14 demanded of his nominees to be members of the boards of regents
15 of the institutions of higher education and that he will not
16 make any such future demands as a condition of nomination to
17 one of the boards of regents; and

18 BE IT FURTHER RESOLVED that the senate rules committee be
19 prohibited, both during legislative sessions and in the
20 interim, from conducting confirmation hearings on nominees to
21 boards of regents until the governor so notifies the senate;
22 and

23 BE IT FURTHER RESOLVED that a copy of this resolution be
24 delivered to the governor of the state of New Mexico.